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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,959	07/30/1999	KEN HAYWARD	690-008568-U	1141

7590 03/26/2004

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/364,959

Applicant(s)

HAYWARD ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment.

3. ☒ Applicant's reply has overcome the following rejection(s): the rejection of claim 1 under 35 U.S.C. 112, second paragraph.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-26.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Madeleine AV Nguyen
Primary Examiner
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DETAILED ACTION

This communication is responsive to after final amendment filed on March 03, 2004.

Response to Amendment

The proposed amendment of claims 1, 4, 14, 19, 21, 23 with newly added limitations of “a first portion of the second type of the image transfer menu is stored in the computer”, “another portion of the second type of the image transfer menu is stored in the memory of the first image transfer device”, “the controller receives instructions from the computer that program the controller to load the second one of the menus”, “uploading electronic data including at least a portion of an image transfer menu to be displayed by the image transfer device”, “a portion of the second command menu is stored on the computer”, sending instructions that program the device enabling the device to load and display a second command menu” raise new issues that would require further consideration and search.

Response to Applicant's Argument

1. Applicant remarks that Murai fails to disclose or suggest that at least a portion of the second image transfer menu is stored in the computer as recited by claims 1 and 5.

The examiner disagrees since Murai teaches that “while a computer is connected to the computer connection portion, all modes of the facsimile machine, including those which relate to the PC 4, are serially displayed on the display whereupon these modes can be set using a setting unit. However, when the reception capability determination unit determines that the computer

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can not receive transmission of facsimile data, the display disable unit prevents modes associated with the computer from being displayed on the display. Therefore, when a computer can not receive facsimile data from the facsimile machine, for example because a computer is not connected or because the computer's power is OFF, modes associates with the computer are not displayed on the display of the facsimile machine.” (col. 67, lines 41-59) and “ when the computer output mode the facsimile machine outputs the facsimile data to a computer connected to the computer connection portion. The output mode heading can be in menu form with the recording portion output mode and the computer output mode both displayed.” (col. 67, line 60 – col. 68, line 7), and “For example, in the illustrated embodiment, whether the PC 4 is supplied with electric power is indicated by the ENABLE or DISABLE state of the CTS control signal supplied from the PC4 to the FAX 2. The FAX 2 may be provided with a display device for exclusively indicating that the PC 4 is not supplied with electric power. While the PC 4 is not supplied with electric power, the FAX 2 may operate such that the recording device 29 records images corresponding to FAX data received thereby, irrespective of the current output mode, such that the display 150 does not display the list of selectable output modes even if the FUNCTION key 174 is operated, and/or such that the FAX 2 does not output a ring command to the PC 4 before transmitting thereto the FAX data received in emergency in place of the PC 4...” (col. 69, lines 13-37) . Thus, when the computer is connected to the fax machine, at least a portion of the second image transfer menu is stored in the computer since the display modes display information relating to or associating with the computer conditions.

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2. Applicant remarks that Murai fails to disclose or suggest a transfer device that receives instructions from the computer that program the device to load the second one of the menus, as recited by claims 14 and 23.

It is noted that the above subject matter is newly added limitation of the claim which is not considerer since it requires more search and consideration. Besides, as state above, Murai teaches that "For example, in the illustrated embodiment, whether the PC 4 is supplied with electric power is indicated by the ENABLE or DISABLE state of the CTS control signal supplied from the PC4 to the FAX 2. The FAX 2 may be provided with a display device for exclusively indicating that the PC 4 is not supplied with electric power. While the PC 4 is not supplied with electric power, the FAX 2 may operate such that the recording device 29 records images corresponding to FAX data received thereby, irrespective of the current output mode, such that the display 150 does not display the list of selectable output modes even if the FUNCTION key 174 is operated, and/or such that the FAX 2 does not output a ring command to the PC 4 before transmitting thereto the FAX data received in emergency in place of the PC 4..." (col. 69, lines 13-37). Thus, Murai teaches that FAX 2 receives instructions from the computer that program the device to load and display a second one of the menus relating to or associating with the computer.

Conclusion

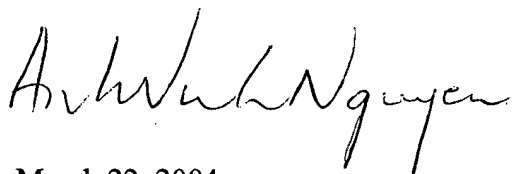
Applicant's arguments of claims 1-26 have fully considered but they are not persuasive. The final rejection of claims 1-26 is maintained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



March 22, 2004

Madeleine AV Nguyen
Primary Examiner
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